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MULTIMEDIA UNIVERSITY

FINAL EXAMINATION

TRIMESTER 3, 2019/2020

UAL 2612 – ADMINISTRATIVE LAW (All Sections / Groups)

12 JUNE 2020

Reading Time : 9.00 a.m. – 9.15 a.m.

(15 Minutes)

Answering Time: 9.15 a.m. – 12.15 p.m.
(3 Hours)

INSTRUCTIONS TO STUDENT

1. Students will have **fifteen minutes** during which they may read the paper and make rough notes **ONLY** in their question paper. Students then have the remaining **THREE HOURS** in which to answer the questions.
2. This Question paper consists of 2 pages with 5 Questions only.
3. Answer **ALL** questions in **PART A** and **ONE** question in **PART B**. All questions carry equal marks and the distribution of the marks for each question is given.
4. Students are only allowed to bring in **CLEAN AND ORIGINAL COPY** of the following statutes into the exam venue :
 - i. Rules of Court 2012“Clean” is defined to include no tagging, no annotation either by the publisher or anyone else, and no erased marking. Highlighting and underlining are also prohibited.
5. Please write all your answers in the Answer Booklet provided.

PART A:
ANSWER ALL THE QUESTIONS

QUESTION 1

Alicia is not happy with the local council in the town of Melaka.

She is of the opinion that the local council had not performed some of the statutory functions imposed by law on the council.

Alicia is also unhappy with some decisions of the same local council. She is of the opinion that the local council had acted beyond the express legal authority provided by law, in making some of the decisions that the council has imposed on the citizens of Melaka.

Alicia is now consulting you on the possible remedies available to an aggrieved party under administrative law.

Advise Alicia with reference to the necessary case laws and statutory provisions.

(Total: 25 marks)

QUESTION 2

Section 35 of the Tax Act 2012 reads as follows:

"Subject to this Act, an award, decision or order by the Minister under this Act shall be final and conclusive, and shall not be challenged, appealed against, reviewed, quashed or called in question in any court."

Celine who is not satisfied with an order issued by the Minister is now seeking your views on the possibility of applying for judicial review.

Advise Celine. Make reference to the necessary judicial decisions in relation to ouster clauses.

(Total: 25 marks)

Continued...

QUESTION 3

Explain the powers and functions of *Suhakam* (Human Rights Commission of Malaysia) in relation to the promotion and defending of human rights in Malaysia.

In your opinion, is *Suhakam* effective in playing this role?

(Total: 25 marks)

PART B:**ANSWER ANY ONE (1) QUESTION ONLY****QUESTION 4**

Proportionality is a new ground for judicial review developed by the courts. However, confusion may sometimes arise as to the difference between irrationality and proportionality as grounds for judicial review.

Discuss these two grounds of judicial review. Compare proportionality with irrationality as a ground for judicial review. Cite the necessary case laws.

(Total: 25 marks)

QUESTION 5

Discuss the application of the rules of natural justice in Malaysia. Make reference to the necessary case laws.

(Total: 25 marks)

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